

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC GAS AND ELECTRIC COMPANY
(U 39 G),

Complainant,

v.

CALPINE CORPORATION; CPN PIPELINE
COMPANY; CALPINE ENERGY SERVICES,
L.P., CALPINE NATURAL GAS COMPANY;
LODI GAS STORAGE, LLC; and DOES 1-10,

Defendants.

Case 03-07-031
(Filed July 22, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING LODI GAS STORAGE, LLC EX PARTE COMMUNICATION**

In this complaint case, filed on July 22, 2003, Pacific Gas and Electric Company (PG&E) alleges improper conduct by several entities operating in the natural gas market, and seeks an Order to Show Cause (OSC) why they should not be held in violation of law. On July 25, 2003, counsel for one of the defendants, Lodi Gas Storage, LLC (Lodi), sent a letter to me urging denial of the OSC.

I must remind all parties to this proceeding that it is an adjudicatory matter in which *ex parte* communications are prohibited. Therefore, Lodi's letter is a prohibited communication and will not be considered in this proceeding. However, I expect that there will be a hearing on PG&E's OSC request at which

Lodi and any other interested party may submit briefing, including the material contained in Lodi's letter, for consideration by the Administrative Law Judge (ALJ) assigned to the proceeding. Lodi may also, at its option, include the contents of the letter in its filing in response to the Commission's instructions to answer the complaint.

No party shall respond to Lodi's letter by way of another prohibited *ex parte* communication, but rather should reserve response until the assigned ALJ sets a briefing schedule on the OSC.

Therefore, IT IS ORDERED that the July 25, 2003 letter from counsel for Lodi Gas Storage, LLC is a prohibited *ex parte* contact and shall not be considered for any purpose in this proceeding. No other party shall follow the letter with another prohibited *ex parte* contact. Rather, all interested parties shall either wait until the assigned Administrative Law Judge issues a briefing schedule on the request by Pacific Gas and Electric Company (PG&E) for an Order to Show Cause (OSC) to submit their views on the matter, or defendants may, at their option, respond to PG&E's OSC request in response to the Commission's instructions to answer the complaint..

Dated July 25, 2003, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Lodi Gas Storage Ex Parte Communication on all parties of record in this proceeding or their attorneys of record.

Dated July 25, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

C.03-07-031 ANG/hl2

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.